

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JESSE PAUL SKINNER §
VS. § CIVIL ACTION NO. 9:18cv139
BRYAN COLLIER, ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jesse Skinner, an inmate confined within the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed the above-styled civil rights lawsuit. The Court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

Plaintiff has filed two motions for preliminary injunction or temporary restraining order (doc. nos. 11 and 12). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge (doc. no. 34) recommending the motions be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff complains about the extreme heat he is subjected to at the Eastham Unit. However, it is not clear at this point that the conditions he complains of violate the Constitution. As a result, he has not demonstrated there is a substantial likelihood he will prevail on the merits. *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009). His motions are therefore without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**.

Plaintiff's motions for preliminary injunction or temporary restraining order are **DENIED**.

So Ordered and Signed

Sep 10, 2019



Ron Clark, Senior District Judge